

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-20 are pending. Claims 1, 2, 7 and 17-19 are amended by way of the present amendment.

In the outstanding Office Action, Claims 1-15 were rejected under 35 U.S.C. §101; Claims 1, 2, 7, 12, 14-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,697,691B1 to Miller et al.; Claims 3-6, 8-11 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of the Examiner's Official Notice.

First, Applicants wish to thank Examiner Sheikh for the April 7, 2009 interview at which time the outstanding issues in this case were discussed. During the interview, Applicants presented amendments and arguments substantially as discussed herein. While no agreement was reached, Examiner Sheikh indicated that he understands the feature of building a database of cases as faults are repaired in the field, and he will focus his search on this feature. Further, Examiner Sheikh indicated that he will contact the undersigned attorney of record (Edwin D. Garlepp, 703-412-5920) if there are minor amendments that can be made to place this case in condition for allowance.

With regard to the Official Notice taken throughout the Office Action, Applicants submit that such Official Notice is rendered moot by the amendments made herein. Applicants make no admission that such Official Notice is proper, but rather addresses the rejection by way of the amendment herein.

With regard to the rejection under 35 U.S.C. §101, Claim 1 is amended to clarify that this independent claim (and claims depending therefrom) is directed to statutory subject matter. Specifically, amended Claim 1 recites "a fault correction method implemented by a computer system." In the recently decided case of *In re Bilski*, the Federal Circuit clarified the principal test for determining whether a claimed process is patent-eligible under 35

U.S.C. §101.¹ The *In re Bilski* decision requires that a claimed method be either (1) tied to a particular machine or apparatus, or (2) able to transform a particular article into a different state or thing.² Applicants respectfully submit that the rejection of method Claims 1 -15 is overcome by the above-noted amendment to Claim 1, which is clearly tied to a computer system, which is a machine or apparatus.

Turning now to the prior art rejection, independent Claims 1, 17 and 18 have been amended to clarify the patentable distinctions of the present invention over the cited references. Specifically, amended Claim 1 recites,

receiving additional new service activity data relating to the new fault based on a result of the corrective action; and
updating the matching service activity data based on the additional new service activity data such that the service operator performing the corrective action builds a database of cases as corrective actions are performed or completed to correct the new fault.

As discussed in the April 7th interview, the features of receiving additional new service activity data for the new fault, and building a database of cases as the new fault is corrected, are supported by the original specification as a whole. Specifically, Figures 2A-2G of the present application show examples of GUI screens provided by the activity management system for different service functions.³ The screens allow a Field Engineer to enter process steps and results for a specific service action as it is being performed in real time.⁴ The Field Engineer is not restricted to static procedures provided by the activity management system, but rather may elect to perform the service activity based on his or her own experience guided by the information provided, and this information builds a knowledge database for future use.⁵

Figs. 2A-2F of the present application illustrate a specific example of the “Repair

¹ *In re Bilski*, 545 F.3d 943 (Fed. Cir. 2008).

² *In re Bilski*, 545 F.3d at 979 (emphasis added).

³ Published Application at paragraph [0087].

⁴ Published Application at paragraph [0092] and Figs. 3D – 3G.

⁵ Published Application at paragraphs [0094] and [0097].

Machine” component service function. As seen in these figures, a Field Engineer enters information such as an identification of equipment needing repair, tests performed, and tests failed.⁶ The activity management system provides information such as a repair history, technical manuals and parts information, which assists the Field Engineer in diagnosing the problem and performing the repair service action. As seen in Figs. 2D and 2E, the Field Engineer can select from a menu of tests previously failed for the equipment, manually enter a new test performed, or provide comments on a test.⁷

As seen in Figs. 2F and 2G, the activity management system can provide an “interactive case study” feature, which displays a “current case” showing parts, tests and corrective actions performed and planned for a current service action, and displays an “interactive case study” showing prioritized results of tests and corrective actions performed on past similar “matching cases.”⁸ The Field Engineer can elect to perform a test or corrective action from among the matching cases, or to perform a different test or action for the current case based on the user’s experience. The Field Engineer enters information about the service action tests and corrective actions as they are performed, and the “current case” display provides an updated log of the user’s actions, while the “interactive case” display dynamically updates the information for matching cases as tasks are completed and entered.⁹ Once the equipment is repaired and all tests have passed, the current case becomes a historical record for use by other Field Service Engineers in performing future actions.¹⁰ Thus, the activity management system enables the Field Engineer to build a database of real world cases to be used by other Field Engineers.

As also discussed in the interview, the inventors of the present application identified that a key feature to commercialization of a service action management tool is the ability of

⁶ Published Application at paragraph [0054].

⁷ Published Application at paragraphs [0051] and [0053].

⁸ Published Application at paragraphs [0053] and [0054].

⁹ Published Application at paragraph [0054].

¹⁰ Published Application at paragraph [0057].

the service operator to actually build the knowledge base for the system. This feature enables low cost development of service action management systems, thereby providing incentive for service managers to implement such systems. Further, Service operators are motivated to use these tools because it is the engineers who actually build the knowledge base for the tool, and because consolidation of previously distributed service models are provided in a convenient interface for the service engineer. Thus, the real time service action record feature should provide a system for capturing valuable service operator (e.g. Field Engineer data), which has conventionally been recorded only in hand written notebooks.

Miller et al., the sole cited reference in the TEA-012 application, discloses a method and apparatus for performing fault model analysis on semiconductor manufacturing process tools.¹¹ As discussed in Miller et al., the system correlates errors found in the processed semiconductor products to a particular fault analysis so that corrective action can be taken to reduce errors.¹² However, as discussed in the April 7th interview, Miller et al. does not give the service operator the ability to build a database for the system. Therefore, these references do not disclose,

***receiving additional new service activity data relating to the new fault based on a result of the corrective action; and
updating the matching service activity data based on the additional new service activity data such that ***the service operator performing the corrective action builds a database of cases as corrective actions are performed or completed to correct the new fault.******

as recited in amended Claim 1. As Claims 17 and 18 include similar features in different claim formats, these claims also patentably define over Miller et al. Finally, Claims 2-16 and 19-20 are patentable over Miller et al. at least by way of their dependency.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-20 patentably

¹¹ Miller et al. at column 1, lines 8-11.

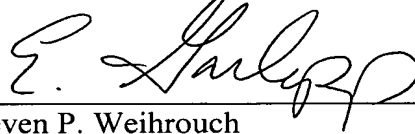
¹² Miller et al. at column 3, lines 54-63.

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distinguishes over the cited art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore respectfully requested.

Respectfully submitted,

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